DETAILED ACTION

1. This is responsive to the Amendment filed on 20 December 2007.

2. Claim 1 – 20 are still pending and are considered below.

Response to Amendment

3. The Claim Rejections under 35 USC § 101 of claims 11 – 19 are withdrawn in view of Applicant's amendments to the specification.

Response to Arguments

4. Applicant argues that Keely (USPN 6,791,536) is not a valid reference under 35 USC § 103(a) ([0029]) because the patent and the current application are commonly owned and Keely is only available as 102(e) reference. However, Keely was published as a PG Pub (Pre-Grant Publication) on 16 May 2002 which was more than one year before the effective filing date of the current application and therefore qualifies as prior art under 35 USC§ 102(b).

5. In a traversal of official notice, Applicant argues that a reference should be provided that reads on the limitation "cancelling the speech interaction session if the time parameter exceeds a threshold". Keely discloses performing an action related to a computer application (generating an event) in response to a time parameter exceeding a threshold. The limitation not explicitly recited in Keely is the fact that the action related to a computer application is cancelling a speech enabled application, i.e. Keely does not explicitly teach cancelling a speech enabled application as an intended use for the

disclosed invention for performing a computer action in response to a time parameter exceeding a threshold. Therefore the only feature missing in Keely in order to read on Applicant's limitation is cancelling a program related to a speech application. The official notice taken in the previous Office Action was directed to this fact which is also taught in Schmid et al (US PGPub 2003/0234818) ("The "Shutdown" method is utilized to shut down the speech system", [0029]). Simple substitution of one known computer step (Keely's generating an event) for another (Schmid's cancelling a speech application) to obtain the predictable result of cancelling a speech application in response to a time parameter exceeding a threshold would have been obvious to one with ordinary skill in the art at the time of Applicant's invention.

6. It is noted that Applicant does not traverse the official notice that resetting an application to its default state is old and well known in the computing arts. Therefore the statement is taken to be admitted prior art.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 6, 14, and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. The specification does not disclose "undoing the operations recorded in the operation log on an operation-by-operation basis". The specification teaches "reversing the operations recorded in the log when a session is canceled" [0098] but there is no teaching that the reversal is done on an operation-by-operation basis. This limitation will not be given patentable weight in the application of prior art below.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1 – 2, 7 – 11, and 15 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keely et al (USPN 6,791,536).

Claim 1:

Keely discloses a method, comprising:

receiving a signal indicating that a predetermined switch has been set to a first state ("detecting the stylus being placed down, the computer 201 may begin counting time, e.g., by using a timer, up to at least a threshold amount of time", col. 5, lines 62-65);

monitoring a time parameter indicative of a time the switch remains in the first state ("the computer 201 may begin counting time", col. 5, lines 62-65).

Keely does not explicitly disclose canceling a speech interaction session if the time parameter exceeds a threshold.

However, Keely discloses generating an event representing a secondary switch on a computer pointing device if the time parameter exceeds a threshold ("if the computer 201 further detects that the stylus 204 is not brought up until after the timeout condition (steps 303 and 306), and thus that the stylus 204 has been held down for at least the threshold amount of time, then in response the computer 201 may generate first a Microsoft WINDOWS RightMouseButtonDown event (step 307) (or other event that represents the secondary switch of the pointing device being activated)", col. 6, lines 38-48).

It would have been obvious to one with ordinary skill in the art to execute any standard computer action, including canceling a speech session, if the time a switch remains in a state exceeds a threshold (similar to Keely's system activating the second switch, which is a computer application, in response to the duration in a state).

Claim 2:

Keely discloses the method of claim 1, wherein monitoring a time parameter indicative of a time the switch remains in the first state comprises starting a timer in response to the signal ("detecting the stylus being placed down, the computer 201 may begin counting time, e.g., by using a timer, up to at least a threshold amount of time", col. 5, lines 62-65).

Claim 7:

Keely discloses the method of claim 1, wherein monitoring a time parameter indicative of the time the switch remains in the first state comprises: monitoring a state of the switch; and invoking another event if the state of the switch changes from a first state to a second state before the time parameter exceeds a threshold ("if instead the stylus 204 is brought up prior to the timeout condition (step 303), then in response the computer 201 may generate first a LeftMouseButtonDown event (or other event that represents the primary switch being activated)", col. 6, lines 25-31).

But Keely does not explicitly disclose invoking a new speech interaction session.

It would have been obvious to one with ordinary skill in the art to execute any standard computer application, including invoking a new speech session, if the time a switch remains in a state does not exceed a threshold (similar to Keely's system activating the first switch, which is a computer application, in response to the duration in a state).

Claim 8:

Keely discloses the method of claim 1, further comprising resetting a timer if a state of the switch changes from a first state to a second state before the time parameter exceeds a threshold ("the computer 201 may begin counting time", col. 5, lines 62-65).

Claim 9:

Claim 9 is similar in scope and content to claim 7 and is rejected with the same rationale.

Claim 10:

Keely discloses the method of claim 9, further comprising determining whether a device is in a power on state and whether a user is logged into the device (the computer has to be on and unlocked in order to detect the stylus).

Claims 11, 15, 16, 18 and 19:

Claims 11, 15, 16, and 18 are similar in content and scope to claims 1, 7, 8, 9 and 10 respectively and are rejected with the same rationale.

Claim 17:

Keely discloses the one or more computer-readable media of claim 11, wherein the one or more computer-readable media comprises at least one of an electronic memory module, a magnetic memory module, and an optical memory module (col. 4, lines 10-34).

11. Claims 3 – 6, and 12 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keely et al (USPN 6,791,536) in view of Labiaga et al (USPN 6,185,615).

Claim 3:

Keely discloses the method of claim 2, further comprising: setting a flag indicating that the switch is in the first state ("detecting the stylus being placed down", col. 5, lines 62-65); but it does not explicitly disclose recording a time stamp indicative of a time at which the signal is received.

In a system producing computer transactions logs, Labiaga discloses recording a time stamp as a result of an event (col. 11, lines 23-26).

It would have been obvious to one with ordinary skill in the art at the time of the invention to track event duration in Keely's method using timestamps because they are old and well-known time signatures generated using the system clock of a computer.

Claim 4:

Keely and Labiaga disclose the method of claim 3, wherein the time stamp corresponds to a signal clock time (clock time is inherent in timestamp).

Claim 5:

Keely and Labiaga disclose the method of claim 3, Labiaga further discloses wherein canceling the speech interaction session if the time parameter exceeds a threshold comprises: monitoring a state of the switch; and canceling the speech interaction session if a result of subtracting the time stamp from a current system time exceeds a threshold (Labiaga, col. 11, lines 30-33).

Claim 6:

Keely and Labiaga disclose the method of claim 5, Labiaga further discloses maintaining an operation log in a system memory (col. 4, lines 26-31) and recording in the operation log any changes made to data files during the speech interaction session(col. 4, lines 26-31), however, they do not explicitly disclose wherein canceling the speech interaction session comprises reversing any operations performed during the speech interaction session.

Official Notice is taken that resetting an application to its default state is old and well known in the computing arts.

It would have been obvious to one with ordinary skill in the art at the time of the invention to reset the speech interaction session in Keely and Labiaga's method in order to avoid entangling the program with previous data and computations.

Claims 12 – 14:

Claims 12 – 14 are similar in content and scope to claims 3, 5, and 6 respectively and are rejected with the same rationale.

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmid et al (USPGPub 2003/0234818) in view of Labiaga et al (USPN 6,185,615).

Claim 20:

Schmid discloses a system, comprising:

a processing unit; one or more input devices communicatively connected to the processor for generating one or more input signals; a memory module associated with the processor (Fig. 4 and related text), the memory module comprising:

a speech interaction module for receiving spoken commands from a user and generating computer-executable instructions from the spoken commands ("user can manipulate the desktop and its components using voice commands", [0006]); and

a speech interaction cancellation module for receiving an input signal from the one or more input devices and terminating a speech interaction session in response to the input signal ("The "Shutdown" method is utilized to shut down the speech system", [0029]).

However, Schmid does not explicitly disclose recording the computer-executable instructions in a log. Labiaga discloses producing computer transactions logs for computer-executable instructions (col. 2, lines 5-9).

It would have been obvious to one with ordinary skill in the art at the time of the invention to record Schmid's computer-executable instructions in a log in order to keep track and monitor them (Labiaga, col. 1, lines 12-15).

Schmid and Labiaga do not explicitly disclose wherein canceling the speech interaction session comprises reversing any operations performed during the speech interaction session.

Official Notice is taken that resetting an application to its default state is old and well known in the computing arts.

It would have been obvious to one with ordinary skill in the art at the time of the invention to reset the speech interaction session in Schmid and Labiaga's method in order to avoid entangling the program with previous data and computations.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. G. N./
Examiner, Art Unit 2626

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626